

Orick Ref: 13634.4013
S&F Ref: 635200US

DECLARATION

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- | | | | |
|-------------------------------------|-----------------------|--------------------------|----------------------|
| <input type="checkbox"/> | original | <input type="checkbox"/> | divisional |
| <input type="checkbox"/> | design | <input type="checkbox"/> | continuation |
| <input type="checkbox"/> | supplemental | <input type="checkbox"/> | continuation-in-part |
| <input checked="" type="checkbox"/> | national stage of PCT | | |

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Actuator for a Heart Assist Device, the specification of which

- (a) ☐ is attached hereto OR
- (b) ☐ was filed on _____ as United States Application Serial No. _____ and was amended on _____ if applicable
- (c) ☒ was described and claimed in PCT International Application No. PCT/AU2004/001487, filed on 28 October 2004 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56, including for continuation-in-parts applications, material information which became available between the filing date of the prior application and the filing date of the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 USC 119 (a) – (d), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by check the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s) or any PCT international application having a filing date before that of the application of which priority is claimed.

- (d) ☐ no such applications have been filed
- (e) ☒ such application have been filed as follows:

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No
2003906212	AU	11 November 2003	X	

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claims the benefit under 35 USC § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC § 112, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56(a), regarding events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status-patented, pending, abandoned

Direct all correspondence to :

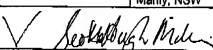
Orrick Ref. 13634.4013
S&F Ref. 635200US

Customer No.

34313

Orrick, Herrington & Sutcliffe LLP
Attn: James W. Geriak
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. (949) 567-0700
Fax. (949) 567-0710

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name SCOTT	MIDDLE Initial HUGH	LAST Name MILLER	
	RESIDENCE & CITIZENSHIP	City Manly	State or Foreign Country AU	Country of Citizenship US	
	POST OFFICE ADDRESS	35/10 Darley Road	City Manly, NSW	State or Country AU	Zip Code 2095
INVENTOR'S SIGNATURE					Date: 